

supposition, appearance or circumstance;

- Criminal intent must be present for charges to be laid, so make absolutely sure the suspect has no intention of paying — wait until he or she leaves the store;
- The person who witnessed the crime must make the arrest. If the suspect flees, someone else, a security guard for instance, can help out but cannot make the arrest;
- You must take some sort of physical control of the suspect in order to make a lawful arrest. Do not humiliate the person or act threateningly. Lay your hands on the suspect and say, "I'm placing you under arrest. Will you please return to the store with me?";
- If at any time you think the suspect has a weapon, use common sense — do not put yourself in danger, just be a good witness;
- You are required by law to report the arrest to a police officer;
- Go to a private room and keep two other people present, a male and a female if possible, until the police arrive. You may ask the suspect to return the item but you are not entitled to a power of search;
- Don't lose your cool. Remember, the suspect will be desperate and could be trying to find things to use as a wedge against you should it come to court. He or she will do or say anything to dissuade you from pursuing the action;
- If it's a person's first charge and if no violence was involved, and if the alleged theft was of limited value, the victim (i.e. the retailer) may want to suggest a diversion program. If the defendant, crown attorney, defence counsel and victim all agree, the trial can be stood down and the defendant subjected to a lengthy lecture about the costs of stealing — to society, to the retailer and to the defendant's own job prospects, travel plans and other ambitions. Usually, both counsels take part, along with the victim, a probation officer and the defendant's family.

## Video Legalities

*Proper use of surveillance technology means protecting people's rights while protecting your store*

**T**HERE HAS BEEN AN EXPLOSION in the case law involving videotape in the past 15 years," says Toronto-area barrister and solicitor Elliott Goldstein. "There are now well over 100,000 civil and criminal cases in the U.S. alone." Goldstein is the author of *Visual Evidence, a practitioner's manual*. The book covers, among other topics, surveillance in the workplace. He advises retailers that awareness of the laws surrounding video surveillance makes the technology more effective for users:

- Video tape may be excluded as evidence for several reasons. For example, setting up a camera to monitor a particular individual is considered a violation under the Charter of Rights. Cameras must be used to monitor a scene of suspected criminal activity. Section 8 guarantees the right to a reasonable expectation of privacy. Video surveillance violates this section if the

*A colour video tape is less likely to be ruled out as evidence on the basis of distortion or graininess*

person believed that he or she was acting in private. This is usually applied to fitting rooms, washrooms, employee locker rooms, etc;

- Put up non-threatening signs telling customers that, while in the store, they'll be under video surveillance. Use something eyecatching to illustrate the point — a camera and monitor set up at

the main entrance to the store, for example;

- If using a prism lens, which reverses images from left to right, make sure that this fact is prominently noted to avoid confusion, especially when the tape is black and white;
- Invest in a video printer. Before a suspect even leaves the building these devices can produce colour copies of images captured on video tape. A picture really is worth a thousand words when it comes to quick, accurate descriptions;
- When recording both audio and video, remember that it is illegal to tape a conversation unless one of the parties knows it is being recorded;
- Buy the best quality, colour equipment you can afford. A good colour video tape is less likely to be excluded as evidence on the basis of distortion or graininess, and with colour tape the denomination of Canadian currency being handled or stolen can be discerned;
- Copy all original tapes and, if possible, do not edit tapes to be used as evidence — inappropriate editing can be grounds for exclusion;
- Ideally, security personnel should be of the same gender as individuals being monitored;
- If operating a wireless, as opposed to a closed-circuit video system, check local regulations — signals that can be intercepted often require a broadcasting license. Breaking the law while collecting evidence will not only render it inadmissible, it may result in charges against the system's operator;
- Note that all of the restrictions on video surveillance equipment apply to surveillance mirrors and windows;
- Be wise. Abusing the power afforded by video surveillance equipment may result in governments restricting this useful technology.

## Partnership Forcefield

*Joining forces with suppliers and police is one of the most effective ways to reduce shrinkage*

**T**HANKS TO A PARTNERSHIP it is building with some key suppliers, Home Depot expects to be more profitable and less susceptible to shoptheft in the near future.

"We're doing source-driven EAS tagging with vendors in the U.S., and it's now being developed in Canada," says Don Bates,

# Retailer

**Contents**  
March/April 1995



## Features

### 18 Getting a Grip on Shoptheft

A major feature section that zeros in on preventative measures that have shown excellent results in reducing the devastatingly high cost of retail shrinkage. The latest on deterrents, apprehension, video surveillance legalities, employee theft, the psychology of trust, and more. What you need to know to restore profits that are rightfully yours *by Doug E. Bell*

### 27 Advertising: New Strategies for Success

For advertising to be effective today, it must be co-ordinated with an overall marketing and merchandising plan, carefully aimed at your market base, and designed to get optimum mileage from selected media *by Lauren Lewis*

### 32 Re-engineering: Is the Bad Rap Justified?

Restructuring, stresses the author, has little to do with re-engineering. If you expect results from the latter, you have to apply it appropriately *by Antony Karabas*

## Departments

### 10 Taking Stock

This issue, a column usually *by* the president is *about* the new president of Retail Council of Canada. Find out why Diane Brisebois is causing so much excitement *by Andrea Kuch*

### 14 Just In Time

The author of a best-selling book on leadership implores retailers to "take control of your destiny"...Loyalty program innovations... Catering to aging boomers

### 31 Visual Merchandising

Shedding light on the exciting new trends in lighting including energy efficient systems and colour rendering *by Jo Anne Sommers*

### 35 Retail Council News

A calendar of exciting events, including the upcoming national conference in Toronto...Short takes...and more

Cover photograph: Eden Robbins